

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NOS. 98-589-C & 98-612-C - ORDER NO. 1999-41

JANUARY 19, 1999

IN RE: <b>Docket No. 98-589-C</b> - Petition of Intermedia Communications, Inc. for Arbitration with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.	)	ORDER
	)	ACCEPTING
	)	AMENDED
	)	APPLICATION
	)	AND GRANTING
AND	)	MOTION TO AMEND
	)	SCHEDULE OF
	)	ARBITRATION
<b>Docket No. 98-612-C</b> - Petition of e.spire Communications, Inc. and American Communication Services of Charleston, Inc., American Communication Services of Columbia, Inc., American Communications Services of Greenville, Inc., American Communications Services of Spartanburg, Inc. for Arbitration of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Telecommunications Act of 1996.	)	
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This matter comes before the Public Service Commission of South Carolina ("Commission") on the Joint Amended Petition of Intermedia Communications, Inc. ("Intermedia") and e.spire Communications, Inc. (formerly known as "American Communications Services, Inc.") and its local exchange operating subsidiaries in South Carolina, American Communication Services of Charleston, Inc., American Communication Services of Columbia, Inc., American Communications Services of Greenville, Inc., and American Communications Services of Spartanburg, Inc. (collectively known as "e.spire"). By their Joint Amended Petition, Intermedia and

e.spire (hereafter referred to as “Petitioners”) amend their respective Petitions to state that a request for interconnection services or network elements (as that term is used in Section 252(a) of the federal Telecommunications Act of 1996) was made by both Intermedia and e.spire and that both requests were received by BellSouth Telecommunications, Inc. (“BellSouth”) on July 7, 1998. The Amended Petition also states that the Petition is filed with the consent of BellSouth.

The Petitioners and BellSouth also filed a Joint Motion to Amend the Schedule of Arbitration as set forth by the Commission in Order No. 98-1032 dated December 30, 1998. The Motion to Amend the Schedule of Arbitration is predicated on Commission acceptance of the Amended Petition which sets forth a new date of the Petitioners’ request for interconnection services or network elements under Section 252 of the federal Telecommunications Act of 1996. The Motion requests an extension of deadlines for prefiling of testimony for all parties and for submitting the list of questions to the Commission and also requests to reschedule the hearing in this matter. The Motion asserts that granting of the Motion will not result in prejudice to any party and may result in the resolution of more issues prior to the hearing in this matter.

Upon consideration of the requests filed by the parties, the Commission finds that the Amended Petition should be accepted. Pursuant to the Amended Petition and under Section 252(b)(4)(c) of the federal Telecommunications Act of 1996, the Commission has until April 7, 1999, to resolve the issues set forth in the Arbitration Petition. As the Amended Petition is accepted and the date by which the Commission must resolve the issues is extended until April 7, 1999, the Commission finds it appropriate to grant the

Motion to Amend the Schedule for Arbitration. The Commission amends the schedule of arbitration and establishes the following schedule and procedures for the parties to observe in preparation for the hearing in this matter:

1. The Arbitration Hearing in these dockets shall begin at **10:30 a.m. on Wednesday, March 24, 1999.**
2. Intermedia and e.spire shall prefile their testimony and exhibits in this matter on or before **February 24, 1999.**
3. BellSouth shall prefile its testimony and exhibits on or before **March 10, 1999.**
4. The Parties (Intermedia, e.spire, and BellSouth) as well as any Participants admitted in this matter, may submit a nonbinding list of questions to the “Arbitrator” (the Commission) on or before **March 15, 1999.**
5. Opening statements of the Parties and Participants will be allowed at the beginning of the hearing.
6. Direct testimony and exhibits from the Parties’ witnesses shall be presented to the “Arbitrator” (the Commission) in a panel format. All witnesses will be sworn concurrently.
7. The “Arbitrator” or its designee shall conduct examination of the witnesses. The Commission names the Executive Assistant to the Commissioners as the Commission’s designee. Examination may be directed to a specific witness or witnesses or to the entire panel of witnesses.

8. Closing statements of the Parties and Participants will be allowed at the conclusion of the hearing.

9. The Commission will follow the arbitration procedures established in prior arbitration dockets. However, the Commission reserves the right to amend or modify the instant schedule and procedures for Arbitration as the Commission deems necessary.


IT IS THEREFORE ORDERED THAT:

1. The Amended Petition filed by Intermedia and e.spire is accepted by the Commission.

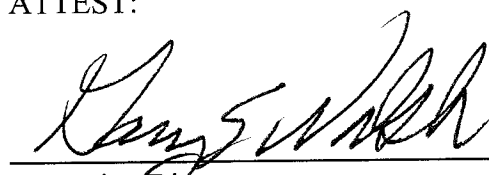
2. The Joint Motion to Amend the Schedule of Arbitration filed by Intermedia, e.spire, and BellSouth is granted, and the amended schedule and procedures for Arbitration as set forth above is adopted.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)